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09/788,387	02/21/2001	Makoto Suzuki	1046.1243 (JDH)	5408
21171	7590	03/03/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/788,387
Filing Date: February 21, 2001
Appellant(s): SUZUKI ET AL.

MAILED

MAR 02 2006

Technology Center 2600

J. Randall Beckers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 2, 2006 appealing from the Office action mailed June 2, 2005.

Art Unit: 2612

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,515,704	SATO	02-2003
5,943,050	BULLOCK et al.	08-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 7, 8, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato (U.S. Patent No. 6,515,704).

Regarding *claim 1*, Sato discloses a method for sensing and displaying captured images. More specifically, Sato discloses a camera which includes a control section (7), an image sensor (1), a memory (5), and a display (9). The camera operates such that upon determination of whether a photographing operation is performed, a preview image, which was previously displayed in section (101) of the display, is sent to the memory (5), processed and then displayed in the periphery section of the display. See column 4, line 59 to column 5, line 8. Inherently, the control section (7) would be used to detect the photographing instruction from the operating section (12). The display area (101) is interpreted to be the first display area and the display areas (102-113) are interpreted to be the second display area. As previously mentioned, Sato discloses the ability to either display a newly captured image in a clockwise direction (col. 5, lines 10-16) or always display an image at a predetermined window, which is set as the initial position. (col. 6, lines 35-39). Both of these methods are used to place a captured image in a “desirable” location within a sequence of images. The method of displaying a newly captured

Art Unit: 2612

image in a location at a clockwise position is desirable since it serves as an efficient way of maintaining and organizing images. The method of always displaying a newly captured image at a predetermined window is desirable because the user can always recognize the last image captured at a glance (col. 6, lines 51-53). This ability to insert an image into a specified location in a sequence of images is interpreted to meet the limitation of inserting image data in a desirable position within the sequence of image data.

As for **claim 4**, Sato discloses a second embodiment wherein the newly captured image data are always positioned in a specific location. See column 6, lines 30-53. Additionally, Sato discloses that the previously captured images are shifted in a clockwise direction and redisplayed.

Claim 7 is considered substantively equivalent to claim 1 with the added limitations of the method steps being stored in a storage medium readable by a machine. It is inherent that the control section (7) of Sato includes a storage medium for storing instructions for carrying out the display process. Also, Sato discloses that the functions of the disclosed camera are implemented using readout program codes (col. 8, lines 41-43). Please see the discussion of claim 1 on the previous pages.

Claim 8 is considered substantively equivalent to claim 4. Please see the discussion of claim 4 above.

Claim 12 is considered substantively equivalent to claim 1. Please see the discussion of claim 1 above.

Claim 13 is considered substantively equivalent to claim 4. Please see the discussion of claim 4 above.

Claims 5, 9, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (U.S. Patent No. 6,515,704) in view of Bullock et al. (U.S. Patent No. 5,943,050).

Regarding *claim 5*, as mentioned above in the discussion of claim 1, Sato discloses all of the limitations of the parent claim. However, Sato fails to specifically disclose that the images are input from an outside device to the display. Bullock, on the other hand, discloses that it is well known in the art to transmit images from a camera directly to computer monitor for display. More specifically, Bullock discloses a camera (118) connected to computer (100) via cable (117). One of ordinary skill in the art would recognize that outputting images to a computer for display offers a myriad of advantages. Computers generally offer bigger displays and increased image processing capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to download the image from the camera of Sato to a computer with a display so that the images can be viewed on a larger monitor and with increased image processing capabilities.

Claim 9 is considered substantively equivalent to claim 5. Please see the discussion of claim 5 on the previous page.

Claim 14 is considered substantively equivalent to claim 5. Please see the discussion of claim 5 on the previous page.

With regard to *claim 16*, Sato discloses a method for sensing and displaying captured images. More specifically, Sato discloses a camera which includes a control section (7), an image sensor (1), a memory (5), and a display (9). The camera operates such that upon determination of whether a photographing operation is performed, a preview image, which was

Art Unit: 2612

previously displayed in section (101) of the display, is sent to the memory (5), processed and then displayed in the periphery section of the display. See column 4, line 59 to column 5, line 8. Inherently, the control section (7) would be used to detect the photographing instruction from the operating section (12). The display area (101) is interpreted to be the first display area and the display areas (102-113) are interpreted to be the second display area. Additionally, since the control section (7) is inherently selecting a position for the image within the image sequence, the examiner is interpreting this as meeting the limitation of automatically storing the image at a selected position. Furthermore, this action would be carried out with a user's instruction to capture an image. Therefore, in accordance with a user's instruction to capture an image generated image data are automatically stored at a selected position of the display sequence.

However, Sato fails to specifically disclose that the images are input from an outside device to the display. Bullock, on the other hand, discloses that it is well known in the art to transmit images from a camera directly to computer monitor for display. More specifically, Bullock discloses a camera (118) connected to computer (100) via cable (117). One of ordinary skill in the art would recognize that outputting images to a computer for display offers a myriad of advantages. Computers generally offer bigger displays and increased image processing capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to download the image from the camera of Sato to a computer with a display so that the images can be viewed on a larger monitor and with increased image processing capabilities.

(10) Response to Argument

The examiner has reviewed the Appeal Brief filed on February 2, 2006 and after thorough consideration, has decided to maintain his reasons for rejection. More specifically, appellant's sole argument is directed towards the belief that Sato fails to disclose the limitation of "inserting the image data in a desirable position of said sequence of image data" (emphasis added) as stated in claims 1 and 7, and stated as "inserting the image data in a desirable position of said sequence listing of image data" (emphasis added) in claim 12. Moreover, in claim 16 appellant argues that Sato fails to disclose "wherein the generated image data is automatically stored at a selected position of the displayed sequence of stored image data" (emphasis added).

Claims 1, 7, and 12

Regarding appellants argument that Sato fails to disclose inserting the image in a desirable location as stated in claims 1, 7, and 12, while the examiner agrees with the definitions of desirable presented on page 6 of the appellant's brief, the examiner maintains that Sato is placing the newly captured image data into a desirable position. Additionally, the examiner agrees with the appellant's assertion that Sato "only allows insertion at restricted positions". However, the examiner is interpreting these restricted positions as also being desirable positions.

More specifically, Sato discloses two ways of locating newly captured image data within the sequence of thumbnail images. The first method entails always displaying new thumbnail images sequentially in the clockwise directions every time a new image is captured (col. 6, lines 31-34). It is presumed by the examiner that this is done for specific reasons such as (i.e. desirable), to avoid random placement of the newly captured thumbnail images or to preserve

Art Unit: 2612

continuity among the newly captured image. One of ordinary skill in the art at the time the invention was made would have recognized the benefits of sequentially locating newly captured thumbnail images. In other words, the locating of images at the end of a sequence of images has the desirable qualities mentioned above.

The second method of locating newly captured image data requires that the latest image be automatically displayed on a predetermined window set as the initial position, and the thumbnail image previously displayed is then shifted in the clockwise direction and redisplayed. See column 6, lines 35-39. Sato even goes as far as to say that this method is useful because “when the latest thumbnail image display area is fixed, the user can always recognize the latest photographed image at a glance” (col. 6, lines 51-53). This statement by Sato is considered direct evidence that the position of the newly captured image is placed in a “desirable” position as defined by the appellant in page 6 of the appellant’s response. Since Sato specifically discloses why the position of the image in a predetermined position is desirable, it is the position of the examiner that Sato does disclose “inserting the image data in a desirable position” as claimed in claims 1, 7, and 12.

Additionally, appellant states that Sato does not enable a user to insert the newly photographed image into a desired subwindow (see page 5, lines 23-26). The examiner agrees with this statement. However, the claims do not require that a user manually insert images into a desired position. The claims only require the images to be inserted into “a desirable position of the sequence of image data”. Thus, it is not a requirement of the claims that a user be able to manually select a position into which the image is placed.

Claim 16

Additionally, appellant argues that Sato fails to disclose the insertion of image data at “a selected position”. Similarly to the discussion of claims 1, 7, and 12 above, Sato discloses the ability to place a newly captured image at a certain position within a sequence of image. This certain position is interpreted to be the “predetermined window set as the initial position” as discussed in the second method in col. 6, line 37 or even the next position of the sequence of images as discussed in the first method of displaying the thumbnail images as discussed in col. 6, lines 31-34. Clearly both of these locations can be interpreted as being “selected positions”. In the first method of displaying, a new location (i.e. the next subwindow position in the sequence of images) is selected for the thumbnail image of the newly captured image. In the second method of displaying, a position is selected wherein newly captured images are always displayed in a predefined location. It should be noted that this position has to be selected at some point, whether it be during programming of the control section (7) or during an initial setup.

Furthermore, in order to clarify the examiner’s position of Sato meeting the limitation of “the generated image data is automatically stored at a selected position of the displayed sequence of stored image data **in accordance with a user’s instruction when the image is acquired**” (emphasis added), Sato discloses that upon capture of the image, the thumbnail image is displayed in the selected position. Therefore, the user’s instruction is interpreted by the examiner to be the user’s depression of the shutter button in the operation section (12) (col. 3, lines 49-51) during acquisition of the image.

Art Unit: 2612

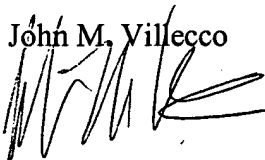
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

John M. Villecco



Conferees:

David Ometz

Ngoc Yen Vu



NGOC-YEN VU
PRIMARY EXAMINER

SPE - 2622



DAVID OMETZ
SUPERVISORY PATENT EXAMINER